



**JUSTICE CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

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CHAPTER: Program Services

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APPROVAL: Bob D. Hayter, COMMISSIONER

I. POLICY

The following definitions shall apply to the Department of Juvenile Justice (DJJ) Policy and Procedures Manual Chapters 300-352.

II. APPLICABILITY

This policy shall apply to all DJJ staff.

III. DEFINITIONS

- A. "Absent Without Leave (AWOL)" means a youth that leaves an approved placement without advanced approval from the supervising authority or is absent from an approved community setting for more than three (3) hours without notification.
- B. "Administrative Transfer Request" means a request for consideration of change in placement for any youth in out-of-home placement.
- C. "Aftercare" means a continuum of planned supervision, schedules, activities, and services coordinated for or provided to a youth who has been released from a Department of Juvenile Justice level 2 or higher program, and that is being integrated into a local community setting.
- D. "Aggressive Behavior" means behavior or acting out that could lead to the infliction of harm or injury to self, others, or property.
- E. "Anniversary Date" means the date sentenced or received as recorded on the second line of the resident record card, by which eligibility for meritorious good time shall be reviewed.
- F. "Caregiver means a guardian or other person exercising custodial control or supervision of a youth.

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- G. “Case Management Needs Assessment” means an assessment tool utilized to identify treatment needs to be addressed in the case plan and individual treatment plan.
- H. “Chain of Custody” means documented accountability for the custody of evidence from the moment in which it reaches the staff’s custody until the moment in which it is presented in court, transferred, or destroyed.
- I. “Cadet Leadership and Education Program (CLEP) Aftercare” means a period of time up to four (4) months when youth exiting the CLEP residential programing continue to be supervised within the community by CLEP counselors.
- J. “Chronic Program Disruption” means a pattern of behavior that threatens the safety and security of the facility, self, or others where less restrictive responses have failed to modify the behavior.
- K. “Cognitive-Behavioral Therapy” means utilizing treatment techniques emphasizing the role of thoughts, feelings, and behaviors in a person’s functioning and well-being, helping youth recognize their problematic thoughts, feelings, and behaviors and learn alternative ways to cope and prevent relapse.
- L. “Commissioner’s Warrant” means a document issued by the Department of Juvenile Justice directing that a youth be taken into custody.
- M. “Consequence” means suspension of privileges or behavioral penalty issued due to a negative behavior that is being displayed, or an infraction of the rules within the facility’s standard operating procedures.
- N. “Contraband” is defined by KRS 520.010 (1) and includes tobacco, lighters, matches, pins, needles, sewing equipment, aerosol cans, toxic cosmetics (such as nail polish remover), modeling glue, cleaning fluids, paints, razors, tools, ropes, chains, extremely toxic house plants, broken articles, drug paraphernalia, as defined in KRS 218A.500, and any other item used to subvert security measures, assist in an escape event, or as indicated by the facility Standard Operating Procedures.
- O. “Dangerous Contraband” is defined by KRS 520.010 (3) and means contraband which is capable of endangering the safety or security of a facility or persons therein, including dangerous instruments or deadly weapons as defined in KRS 500.080, saws, files, and similar metal cutting instruments, any controlled substance, any quantity of an alcoholic beverage, and any quantity of marijuana.
- P. “Dangerous Instrument” is defined by KRS 500.080 (3).

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- Q. “Day Release” means both escorted and unescorted leave into the community of less than twenty-four (24) hour duration from placement.
- R. “Day Treatment” means a community based treatment program for youth whose behavior precludes participation in a regular school.
- S. “Deadly Weapon” is defined by KRS 500.080 (4).
- T. “Designated Grievance Officer” means a facility staff person trained by the Departmental Ombudsman assigned to process youth grievances.
- U. “Detention Facility” is defined by KRS 520.010 (4).
- V. “Discipline” means a process to assist the youth in learning socially acceptable behaviors through the use of natural and logical consequences.
- W. “Drug Screen” means a preliminary screening of a urine specimen for the presence of selected categories of drugs.
- X. “Drug Test” means processing a urine specimen for confirmation of the presence of drugs.
- Y. “Educational Good Time” means a credit on a youthful offender’s sentence for an educational accomplishment.
- Z. “Escape” is defined by KRS 520.010 (5) and includes the departure from custody or the detention facility in which a person is held or detained when the departure is unpermitted, or failure to return to custody or detention following a temporary leave granted for a specific purpose or for a limited period.
- AA. “Exonerated” means the incident occurred, but the accused’s actions were justified or proper.
- BB. “Facility Restriction” means a safety and security measure restricting a youth to the confines of the program grounds.
- CC. “Family Engagement” means working with the youth’s family or caregiver, as an equal partner in the youth’s treatment, with the Department of Juvenile Justice, throughout the continuum of care.
- DD. “Furlough” means an approved unescorted leave of absence granted to a youth extending beyond a twenty-four (24) hour period from placement.
- EE. “General Educational Development” means a specific group of subject tests, which when passed, certify that the taker has achieved high-school level academic skills and has earned a high school credential.
- FF. “Graduated responses” are a continuum of incentives and sanctions to address the youth’s conduct.

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- GG. “Human Trafficking” means criminal activity whereby one (1) or more persons are subjected to engaging in:
1. Forced labor or services; or
 2. Commercial sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of eighteen (18), the commercial sexual activity need not involve force, fraud, or coercion.
- HH. “Incident” means an unusual event or occurrence in which youth behaviors compromise the health, safety, or security of youth or staff including:
1. Use of isolation;
 2. AWOL or escape;
 3. Assault by youth on youth;
 4. Assault by youth on staff;
 5. Major property destruction;
 6. Possession of contraband;
 7. Death of a resident;
 8. Major injury;
 9. Suicide attempt;
 10. Use of restraint;
 11. The taking of hostages;
 12. Medication error; or
 13. Other.
- II. “Individual Client Record” means the electronic case file, sometimes referred to as “juvenile offender records index (JORI)” and hard case file of an individual youth by which information and documentation is maintained.
- JJ. “Individual Education Program” is defined by KRS 158.281.
- KK. “Individual Plan of Instruction” means the educational instructional program required for each Department of Juvenile Justice youth, also referred to as the Individual Learning Plan (ILP) by the Kentucky Department of Education.
- LL. “Individual Learning Plan” means a document usually developed on-line for each student in middle and high school that focuses on career exploration, assessment of skills and interests, reflection on work

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related experiences, and the creation of an education plan that includes personal goals and exploration of college and post-secondary opportunities.

- MM. “Individual Treatment Plan” means a written document that takes into consideration the severity of the current offense, the risk and need factors identified in the youth’s CMNA, and any additional assessments which identify the treatment goals to be pursued, specifies the roles of the participants in carrying out the plan, and specifies a timetable for completion of the plan.
- NN. “Intensive Room Supervision” means when a youth is placed in an isolation room with the door open and under constant staff supervision as a safety measure for a period of time.
- OO. “Inter-fund transfer” means movement of money between individual funds and Youth Activity Funds.
- PP. “Isolation” means the removal of a youth from the general population and placed in a room with the door closed for a threat to the safety or security of the facility, staff, or youth.
- QQ. “Juvenile Sexual Offender” is defined by KRS 635.505.
- RR. “Lateral Transfer” means the transfer of a youth from one placement to another within the same placement level.
- SS. “Leisure time” means structured free time in which youth are given the opportunity to engage in constructive activities such as drawing, writing, reading, or listening to music.
- TT. “Level of Placement Continuum” means the movement of a youth within placement levels.
- UU. “Level system” means a three (3) tiered system used in out of home programs to identify facility privileges and track progress toward treatment completion.
- VV. “Major Rule Violation” means escape, Absent Without Leave, physical or sexual assault or threat of physical or sexual assault, major property destruction, possession of contraband, positive drug test, and chronic program disruption.
- WW. “Mechanical Restraint” means a device, including handcuffs, anklet, and waist chains, used by the Department of Juvenile Justice staff to restrict the free movement of a juvenile.
- XX. “Meritorious Good Time” means credit received on a youthful offender’s sentence that may be awarded for good behavior, performing duties of outstanding importance, or exceptional service in connection with facility operations and programs and in emergencies.

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- YY. “Natural Supports” means personal associations and relationships typically developed in the community that enhance the quality and security of life for people, including, but not limited to, family relationships; friendships reflecting the diversity of the neighborhood and the community; association with fellow students or employees in regular classrooms and work places; and associations developed through participation in clubs, organizations, and other civic activities.
- ZZ. “Non-Governmental Funds” means funds maintained in the youth activity fund account and the special account.
- AAA. “Not Substantiated” means there is insufficient evidence to determine if an incident occurred or if the accused was involved in the incident.
- BBB. “Off Track” means a designated period of time where a youth’s progress on their treatment track is temporarily suspended while behavioral stabilization is established or pending the completion of a major rule violation consequences. A youth shall be off track status for no longer than the amount of time designated by the treatment team, and will be removed from off track status upon completion of all treatment assignments related to the major rule violation assigned by the treatment team.
- CCC. “One-to-One Supervision” means an individual staff member is assigned to directly supervise no more than one (1) youth. The staff shall stay within very close proximity, if needed, for safety reasons.
- DDD. “Orientation Treatment Plan” means a written document outlining short term objectives and expectations and any problems that require immediate attention.
- EEE. “Pat-down Search” means a running of the hands over the clothed body of an inmate, detainee, or resident by an employee to determine whether the individual possesses contraband
- FFF. “Physical Restraint” means a set of techniques used to physically manage an out of control juvenile.
- GGG. “Program Days” means scheduled days for a student’s attendance at a Day Treatment program.
- HHH. “Psychiatrist” is defined by KRS 504.060 (8).
- III. “Qualified Mental Health Professional” is defined by KRS 202A.011
- JJJ. “Reasonable Suspicion” means a less stringent standard than probable cause requiring the authority acting to be able to point to specific and articulable facts that, taken together with rational inferences from those facts, reasonably warrant a belief that an individual may be in possession of contraband.

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- KKK. “Risk and Criminogenic Needs Assessment” means a standardized method of data collection that estimates the likelihood that continued delinquent behaviors will occur without intervention and guides intervention planning.
- LLL. “Room Confinement” means when a youth at a Level 5 facility is placed in a room in a general population unit with the door closed as a safety and security measure for a period of time not to exceed four (4) hours for the purposes of assisting the youth with regaining control of their behavior while avoiding a placement in isolation.
- MMM. “Room Restriction” means temporary removal of a youth from the general population to a specified location for behavior management.
- NNN. “Sex Offender Registry” means a registration system for adults or youthful offenders who have committed sex crime and have been tried and sentenced as adults.
- OOO. “Sexual Offender” is defined by KRS 17.500 (9).
- PPP. “Sexual abuse” means:
1. The behavior described by KRS 510.110 (1) (d) and 510.120 (1) (c); or
 2. As established in 28 C.F.R. § 115.6.
 - a. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
 - b. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.
- Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
- i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - ii. Contact between the mouth and the penis, vulva, or anus;
 - iii. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - iv. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

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Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident

- i. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- ii. Contact between the mouth and the penis, vulva, or anus;
- iii. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- iv. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- v. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- vi. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (i)-(v) of this section;
- vii. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- viii. Voyeurism by a staff member, contractor, or volunteer.

QQQ. “Shift Log” means a permanent log that records routine information, emergency situations, and unusual incidents.

RRR. “Special Management Plan” means a specific therapeutic intervention for identified youth to work through difficult treatment issues and develop personal behavior management skills without disrupting the treatment culture of the overall program.

SSS. “Step-down” means transition of a youth from a higher placement level to a lower placement level.

TTT. “Step-up” means transition of a youth from a lower placement level to a higher placement level.

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- UUU. “Strip Search” means a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person’s breasts, buttocks, or genitalia.
- VVV. “Substantiated” means that an incident occurred by an admission of the person responsible or by a preponderance of the evidence.
- WWW. “Technical Education” means classes following the guidelines of the Department of Career and Technical Education.
- XXX. “Time Out” means the temporary removal of a youth from general programming in order for the youth to be given a chance to regain control their behavior.
- YYY. “Treatment Team” means Department of Juvenile Justice staff, youth, parent or care-giver, and other supporters who work collaboratively to assist and aide youth in achieving goals.
- ZZZ. “Treatment Track” means a framework for treatment provision based on severity of offense and individualized treatment needs.
- AAAA. “Unfounded” means the charges are false or the employee was not involved in the incident.
- BBBB. “Unit Restriction” means a safety and security measure restricting a youth to a specific program area.
- CCCC. “Vocational Education” means soft-skills courses, including resume building, interviewing, and working relations, which contribute to the development of a successful employee.
- DDDD. “Work Detail” means daily work and chore assignments related to housekeeping, maintenance of the facility or its grounds, or personal hygiene needs.
- EEEE. “Work Experience Program” means an organized work training program offered as a component of the educational or vocational programming with an emphasis on instruction and evaluation rather than task accomplishment.
- FFFF. “Work Release” means approved day leave for a youth to participate in employment.
- GGGG. “Youth” means a person who is under the custody, control, or supervision of the Department of Juvenile Justice, as a result of a court order or interstate supervision.
- HHHH. “Youth Activity Fund Account” is owned by the current youth population and is comprised of individual and group funds earned through allowance and work experience as well as funds collected

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through work projects, sales of articles produced by youth, and private donations.

- III. “Youth Activity Funds” are a sub-ledger of the youth activity fund account and is comprised of donations, profit from work projects, vending machine commissions and shall solely be used for the group social and recreational pursuits of the youth.
- JJJ. “Youth Counselor” means the Department of Juvenile Justice staff who is responsible for coordinating treatment within a day treatment, group home, youth development center, or detention facility.
- KKKK. “Youthful Offender” is defined by KRS 600.020 (69).